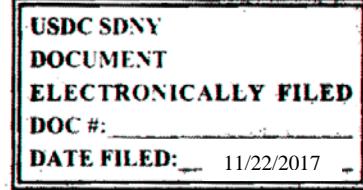


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**BLACKROCK BALANCED CAPITAL
PORTFOLIO (FI), et al.,**

Plaintiffs,

14-CV-09367 (JMF)(SN)

-against-

ORDER

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, et al.,**

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

The parties propose competing case management plans to govern the remainder of fact discovery, class certification, expert discovery, and summary judgment. This Court's recent orders set forth the schedule for the rest of fact discovery. See ECF Nos. 359, 369, 375, 377, and 378. Apart from the items detailed in those orders, both party fact discovery and nonparty fact discovery remain closed.

Both parties recognize that any motion for class certification should proceed without expert discovery. See ECF Nos. 360 at 4 and 362 at 2. Deutsche Bank contends, however, that the plaintiffs' Article III standing is a threshold issue requiring resolution before proceeding on any class certification motion. To the extent that Deutsche Bank seeks to argue that the plaintiffs or unnamed members of the putative class lack standing, it may raise these concerns in its brief opposing class certification. The motion for class certification is due Friday, January 26, 2018. The opposition is due Monday, March 12, 2018. Any reply is due Monday, April 2, 2018. The memoranda of law in support of the opening motion and in opposition shall be no longer than 30 pages. The memorandum of law in support of any reply brief shall be no longer than 15 pages.

The permissibility of sampling will govern the schedule for expert discovery and summary judgment. The plaintiffs are directed to file a motion seeking leave to re-underwrite a sample of loans for the purpose of establishing pervasive rates of breach of the relevant representations and warranties to prove liability or damages. Because this Court has previously ruled on this issue, the motion shall be filed directly with Judge Furman. In their motion papers, the parties should address this Court's rulings in BlackRock et al. v. Wells Fargo et al., 14-civ-09371, ECF No. 376 and BlackRock v. HSBC, 14-civ-09366, ECF No. 320, and Judge Failla's decision in BlackRock et al. v. Wells Fargo et al., 14-civ-09371, ECF No. 550. After Judge Furman rules on the permissibility of sampling, the Court will set a schedule for expert discovery, to be followed by one round of summary judgment motions.

The plaintiffs' brief regarding the permissibility of sampling is due Friday, December 15, 2017. The defendants' opposition brief is due Friday, January 12, 2018. The plaintiffs' reply brief, if any, is due Monday, January 22, 2018. Memoranda of law accompanying the opening and opposition are limited to 20 pages; the reply brief is limited to 10 pages. Applications for extensions of deadlines or page limits are to be filed with Judge Furman. Judge Furman's Individual Rules govern this motion practice.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: November 22, 2017
New York, New York